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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,320	07/22/2003	Charles Atchison	9400-28	7307
20792	7590	06/14/2006	EXAMINER	
MYERS BIGEL SIBLEY & SAJOVEC			LU, CHARLES EDWARD	
PO BOX 37428				
RALEIGH, NC 27627			ART UNIT	PAPER NUMBER
			2163	

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/624,320	ATCHISON, CHARLES
	Examiner Charles E. Lu	Art Unit 2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 14 April 2006.  
 2a) This action is FINAL. 2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-24 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-24 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 22 July 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Response to Amendment/ Response to Arguments***

1. This action is in response to the amendment dated 4/14/2006. Claims 1, 9 and 17 are amended. Claims 1-24 are pending. Claims 1-24 are rejected.

2. Amendment to the specification for addressing the drawing and specification objection is acknowledged. Objection to the drawings and specification is withdrawn.

3. Amendment to the claims to overcome informalities is acknowledged.

Therefore, objections to the claims are withdrawn.

4. Arguments with respect to the 35 U.S.C. 101 rejection have been fully considered. As to claim 17 and dependent claims 18-24, the 35 U.S.C. 101 rejection is withdrawn. As to claim 9 and dependent claims 10-16, the 35 U.S.C. 101 rejection is maintained.

As to claim 9, though “means for” language is used, the means are still reasonably interpreted to be software, *per se*, because the specification, as pointed out by Applicant on page 10 of the amendment filed 4/14/2006, states that implementation can be through computer program instructions and/or hardware. Because of the use of the term “and/or”, the claimed system is being broadly and reasonably interpreted as a system of computer program instructions, which is software, *per se*.

Therefore, the 35 U.S.C. 101 rejection of independent claim 9 and dependent claims 10-16 is maintained.

5. Arguments with respect to the 35 U.S.C. 103 rejection have been fully considered but are not persuasive.

Applicant argues that Handsaker does not disclose, "the generation of workbooks that contain the results of a query operation of an employee database." The examiner respectfully disagrees.

Applicant points out on page 12 of the amendment filed 4/14/2006 that Handsaker shows a query of a virtual workbook. As disclosed by Handsaker, the virtual workbook represents at least, "monthly commission payments to sales employees." Furthermore, "the virtual workbook provides a uniform mechanism of determining any employee's commission payment for any particular month" (para. 0066). The described mechanism is a database mechanism, at least because an employee is associated with his/her commission payment for a particular month. Therefore, Handsaker describes an employee database, and the query discussed above is a query of an employee database. Furthermore, workbooks are created (generated) and shown on the screen of fig. 5 and as discussed in a previous Action and below.

Applicant further argues that there is no motivation to combine Handsaker and Szlam, and even if combined, their teachings will not disclose or suggest, "providing folders corresponding to respective ones of the query criteria". The examiner respectfully disagrees.

Handsaker uses a pull down menu to provide results, as seen in fig. 5, #505, 515. Szlam teaches using either a folder or a pull down menu in a user interface (col. 11, ll. 37-49 and fig. 3). Thus, both Handsaker and Szlam pertain

to design of user interfaces, and they are combinable. The motivation to combine would have been to increase user-friendliness since a user may prefer a folder over a pull down menu, as known to one of ordinary skill in the art.

Accordingly, the combination of Handsaker and Szlam would disclose or suggest all the claimed subject matter. Szlam was used for the limitation of providing folders as discussed above, and when combined with Handsaker as seen in fig. 5, a plurality of folders having results for respective query criteria (instead of a pull down menu) would be taught or suggested. It is noted that "reserving storage locations," though argued by Applicant, is not recited in the claim.

Therefore, the prior art rejection for claims 1-24 is maintained using the prior art of record.

### ***Claim Rejections - 35 USC § 101***

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**7. Claims 9-16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

**As to claim 9,** all of the claimed means are interpreted as software per se, which is functional descriptive material per se and therefore non-statutory.

**Claims 10-16** are rejected under 35 U.S.C. 101 because of their dependency on rejected claim 9 and their failure to cure the deficiencies of claim 9.

Art rejection is applied in anticipation of Applicant amending the claims to overcome the rejection under 35 U.S.C. 101.

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**9. Claims 1-3, 5, 8-11, 13, 16-19, 21, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Handsaker (Pub. No. 2003/0110191) in view of Szlam (U.S. Patent 6,359,892).**

**As to claim 1**, Handsaker teaches the claimed subject matter including: Defining a plurality of query criteria (fig. 5, #505, #515); Querying an employee database (e.g., para. 0118, 0108, 0076, table 1) by applying respective query criteria to respective employees (e.g., the four employees in Harvey Mackey's team in 2002, as seen in fig. 5, #512 are in response to applying query criteria #505 and #515);

Handsaker does not expressly teach providing a plurality of folders, the respective folders corresponding to respective search criteria.

However, Handsaker teaches using a pull-down menu with options corresponding to respective search criteria, as seen in fig. 5, #505, #515. Szlam teaches using either a folder or a pull-down menu to accomplish a task (col. 11, II. 37-49, fig. 3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Handsaker with the above teachings, such that the user interface of fig. 5 of Handsaker uses folders instead of pull-down menus, thus providing folders corresponding to the search criteria. The motivation would have been to increase user-friendliness, since a user may prefer a folder interface to a pull-down menu interface.

Handsaker further teaches creating a plurality of workbooks (para. 0118). According to Handsaker, in response to changing parameter values, a concrete workbook is instantiated and rendered. Therefore, a plurality of workbooks is created. The workbooks contain query results for respective folders (e.g., the workbook in fig. 5 contains the result for year 2002 and employee Mackey Harvey, and the limitation of folders is addressed above). Furthermore, the workbooks are associated with respective employees (see fig. 5, #512), having results for respective query criteria (fig. 5, #505, #515), corresponding to respective folders, the limitation of folders addressed above with respect to the combination with Szlam.

**As to claim 2,** Handsaker teaches associating a first time period (fig. 5, "year 2002") with the query criteria, and creating respective first worksheets (fig. 5, graph #510 or table #512) in respective workbooks (para. 0115, para. 0118)

containing results from querying the employee database (fig. 5) for respective search criteria for the first time period ("year 2002").

**As to claim 3**, Handsaker and Szlam do not expressly teach associating a second time period with the query criteria, and creating respective second worksheets in the workbooks containing results from querying for the second time period.

However, Handsaker teaches associating a first time period (fig. 5, "year 2002"), and creating worksheets in respective workbooks containing query results for the first time period, as addressed above.

Additionally, the examiner takes official notice that at the time the invention was made, it was conventional to specify a plurality of time periods, such as year, month, and day.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Handsaker and Szlam with the above teachings, such that a second time period can be specified, and worksheets for the respective workbooks would be created for the first, as well as second time period (e.g., year 2002, month of January). The motivation would have been to allow the user to view different periods within a selected year, thus increasing convenience and user-friendliness.

**As to claim 5**, Handsaker teaches receiving user input selecting one of the plurality of query criteria (fig. 5, left side), querying the employee database by applying the selected criterion to respective employees (e.g., para. 0118, 0108, 0076, table 1, and the four employees, fig. 5, #512 are in response to query

criteria #505 and #515), and storing results from querying the employee database by applying the selected criterion in the respective workbooks for respective employees (para. 0118, 0115, 0108, 0076, fig. 5).

**As to claim 8**, Handsaker teaches wherein the plurality of query criteria comprises a plurality of employee performance criteria (fig. 5, commission period, and commissioned employee).

**Claims 9-11, 13, 16-19, 21, and 24** are drawn to a system or computer program product claiming the same invention as method claims 1-3, 5, and 8. Therefore, claims 9-11, 13, 16-19, 21, and 24 are rejected based upon the same reasoning as stated above in the rejection of claims 1-3, 5, and 8.

**10. Claims 4, 12, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Handsaker (Pub. No. 2003/0110191) in view of Szlam (U.S. Patent 6,359,892) further in view of Rubert et al (U.S. Patent 6,366,915).**

**As to claim 4**, Handsaker and Szlam do not expressly teach automatically performing querying the employee database and creating the plurality of workbooks at a scheduled time.

However, Rubert teaches, in an employee database-searching environment, automatically querying a database at a scheduled time (fig. 4, #427, col. 12, ll. 35-45). Handsaker teaches querying a database and creating workbooks, as discussed above.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Handsaker and Szlam with the above

teachings, such that the query and creating of workbooks can be automatically performed at a scheduled time. The motivation would have been to adapt to the user's requirements, or to facilitate scheduling on busy servers, as taught by Rubert (col. 6, ll. 24-38).

**Claims 12 and 20** are drawn to a system or computer program product claiming the same invention as method claim 4. Therefore, claims 12 and 20 are rejected based upon the same reasoning as stated above in the rejection of claim 4.

**11. Claims 6-7, 14-15, and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Handsaker (Pub. No. 2003/0110191) in view of Szlam (U.S. Patent 6,359,892) further in view of Ramasamy et al (U.S. Patent 6,944,614).**

**As to claim 6**, Handsaker and Szlam do not expressly teach creating a log file containing a plurality of status indicators for respective query criteria.

However, Ramasamy teaches a log file containing status indicators for a query, such as query ID, and start and stop time for each query operator (col. 8, ll. 9-29). Operators (fig. 6) include query criteria (e.g., fig. 6, #604, col. 7, ll. 22-32, selecting a particular emp. name). Handsaker teaches query criteria for a query, as discussed above.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Handsaker and Szlam with the above teachings, such that a log file is created to log the execution of the query. The

motivation would have been to facilitate later analysis, as taught by Ramasamy (col. 8, ll. 11-15).

**Claims 14 and 22** are drawn to a system or computer program product claiming the same invention as method claim 6. Therefore, claims 14 and 22 are rejected based upon the same reasoning as stated above in the rejection of claim 6.

**As to claim 7**, Ramasamy teaches a query start and stop time, met by the start and stop times of the query operators (col. 8, ll. 9-29).

Handsaker, Ramasamy and Szlam do not expressly teach a number of employees for which the query is applicable.

However, Ramasamy teaches that a status indicator includes an operator's processing tuple count (col. 8, l. 24). A tuple count for an operator corresponds to a number of applicable records (a number of records that the operator processes). Handsaker teaches applying a query to employees, as discussed above.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Handsaker, Ramasamy and Szlam with the above teachings, such that the log file stores a number of employees (records) for which the query is applicable. The motivation would have been to further facilitate later analysis, as taught by Ramasamy (col. 8, ll. 11-15).

**Claims 15 and 23** are drawn to a system or computer program product claiming the same invention as method claim 7. Therefore, claims 15 and 23 are

rejected based upon the same reasoning as stated above in the rejection of claim

7.

***Conclusion***

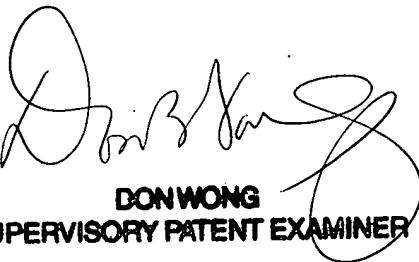
12. Applicant's arguments have been fully considered but are not persuasive. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E. Lu whose telephone number is (571) 272-8594. The examiner can normally be reached on 8:30 - 5:00; M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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